

House Study Bill 662 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BYRNES)

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles on
2 highways, and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 32, Code 2014, is
2 amended to read as follows:

3 32. "*Implement of husbandry*" means a vehicle or special
4 mobile equipment manufactured, designed, or reconstructed
5 for agricultural purposes and, except for incidental uses,
6 exclusively used in the conduct of agricultural operations.
7 "*Implements of husbandry*" includes all-terrain vehicles operated
8 in compliance with section 321.234A, subsection 1, paragraph
9 "*a*", subparagraph (1), fence-line feeders, and vehicles used
10 exclusively for the application of organic or inorganic plant
11 food materials, organic agricultural limestone, or agricultural
12 chemicals. To be considered an implement of husbandry, a
13 self-propelled implement of husbandry must be operated at
14 speeds of thirty-five miles per hour or less.

15 a. "*Reconstructed*" as used in this subsection means
16 materially altered from the original construction by the
17 removal, addition, or substitution of essential parts, new or
18 used.

19 b. A vehicle covered under this subsection, if it otherwise
20 qualifies, may be operated as special mobile equipment
21 and under such circumstances this subsection shall not be
22 applicable to such vehicle, and such vehicle shall not be
23 required to comply with sections 321.384 through 321.423, when
24 such vehicle is moved during daylight hours; however, the
25 provisions of section 321.383 shall remain applicable to such
26 vehicle.

27 Sec. 2. Section 321.1, subsection 47A, Code 2014, is amended
28 by striking the subsection and inserting in lieu thereof the
29 following:

30 47A. "*Off-road utility vehicle*" means as defined in section
31 321I.1, but does not include vehicles with rubberized tracks.
32 "*Off-road utility vehicle*" does not include dune buggies, golf
33 carts, go-carts, or minitrucks.

34 Sec. 3. Section 321.234A, Code 2014, is amended to read as
35 follows:

1 **321.234A All-terrain vehicles — highway use.**

2 An all-terrain vehicle shall not be operated on a highway
3 except as provided in this section.

4 1. a. ~~All-terrain vehicles shall not~~ An all-terrain vehicle
5 may be operated on a highway unless if one or more of the
6 following conditions apply:

7 ~~a.~~ (1) The operation is between sunrise and sunset and
8 is incidental to the vehicle's use for agricultural purposes.
9 For purposes of this ~~paragraph~~ subparagraph, "*incidental to the*
10 *vehicle's use for agricultural purposes*" includes stopping in the
11 course of agricultural use to obtain fuel for the all-terrain
12 vehicle or to obtain food or a nonalcoholic beverage for the
13 operator.

14 ~~b.~~ (2) The operation is incidental to the vehicle's use
15 for the purpose of surveying by a licensed engineer or land
16 surveyor.

17 ~~c.~~ (3) The all-terrain vehicle is operated by an employee
18 or agent of a political subdivision or public utility for the
19 purpose of construction or maintenance on or adjacent to the
20 highway.

21 ~~d.~~ (4) The all-terrain vehicle is operated by an employee
22 or agent of a public agency as defined in section 34.1 for the
23 purpose of providing emergency services or rescue.

24 ~~e.~~ (5) The all-terrain vehicle is operated for the purpose
25 of mowing, installing approved trail signs, or providing
26 maintenance on a snowmobile or all-terrain vehicle trail
27 designated by the department of natural resources.

28 ~~f. The all-terrain vehicle is operated on a county roadway~~
29 ~~in accordance with section 321:10, subsection 2, or a city~~
30 ~~street in accordance with section 321:10, subsection 3.~~

31 2. b. A person operating an all-terrain vehicle on a
32 highway under this subsection shall have a valid driver's
33 license ~~and the vehicle shall be operated at speeds of~~
34 ~~thirty-five miles per hour or less.~~

35 2. a. An all-terrain vehicle that is designed to travel on

1 four or more wheels and is registered under chapter 321I may be
2 operated on a highway as follows:

3 (1) An all-terrain vehicle may be operated on secondary
4 roads unless the county has adopted an ordinance prohibiting
5 such operation pursuant to section 321.236, subsection 14B.

6 (2) A person shall not operate an all-terrain vehicle on a
7 primary highway except to cross a primary highway; however, the
8 provisions of section 321I.10 govern the crossing of a primary
9 highway when the all-terrain vehicle is being operated on a
10 designated all-terrain vehicle trail.

11 (3) A person shall not operate an all-terrain vehicle on
12 a highway within the corporate limits of a city except on
13 a nonprimary highway where such operation is authorized by
14 ordinance pursuant to section 321.236, subsection 14A.

15 b. The motor vehicle laws, including but not limited to
16 the provisions of sections 321.20B, 321.285, 321.317, 321.385,
17 and 321.387, apply to the operation of all-terrain vehicles on
18 highways under this subsection, except for those provisions
19 relating to required equipment which by their nature can have
20 no practical application.

21 c. A person shall not operate an all-terrain vehicle on
22 a highway under this subsection unless the person is sixteen
23 years of age or older and possesses a valid driver's license
24 other than a license valid only for the operation of a
25 motorized bicycle.

26 3. An all-terrain vehicle shall not be operated on a highway
27 at a speed exceeding thirty-five miles per hour.

28 ~~3.~~ 4. An all-terrain vehicle that is owned by the owner
29 of land adjacent to a highway, other than an interstate road,
30 may be operated by the owner of the all-terrain vehicle, or by
31 a member of the owner's family, on the portion of the highway
32 right-of-way that is between the shoulder of the roadway, or at
33 least five feet from the edge of the roadway, and the owner's
34 property line. A person operating an all-terrain vehicle
35 within the highway right-of-way under this subsection shall

1 comply with the registration, safety, and age requirements
2 under chapter 321I.

3 ~~4.~~ 5. A person convicted of a violation of this section
4 is guilty of a simple misdemeanor punishable as a scheduled
5 violation under section 805.8A, subsection 3.

6 Sec. 4. Section 321.236, Code 2014, is amended by adding the
7 following new subsections:

8 NEW SUBSECTION. 14A. Authorizing the operation of
9 all-terrain vehicles on highways under the jurisdiction of a
10 city, other than municipal extensions of primary highways, in
11 accordance with section 321.234A, subsection 2.

12 NEW SUBSECTION. 14B. Prohibiting the operation of
13 all-terrain vehicles on secondary roads under the jurisdiction
14 of a county, in accordance with section 321.234A, subsection 2.

15 Sec. 5. Section 321I.9, unnumbered paragraph 1, Code 2014,
16 is amended to read as follows:

17 Registration under this chapter shall not be required for
18 the following described all-terrain vehicles:

19 Sec. 6. Section 321I.9, subsection 2, Code 2014, is amended
20 to read as follows:

21 2. All-terrain vehicles used in accordance with section
22 321.234A, subsection 1, paragraph "a", subparagraph (1).

23 Sec. 7. Section 321I.10, subsections 2 and 3, Code 2014, are
24 amended by striking the subsections.

25 Sec. 8. Section 321I.31, subsection 1, Code 2014, is amended
26 to read as follows:

27 1. The owner of an all-terrain vehicle acquired on or
28 after January 1, 2000, other than an all-terrain vehicle used
29 exclusively as a farm implement or a motorcycle previously
30 issued a title pursuant to chapter 321, shall apply to the
31 county recorder of the county in which the owner resides for a
32 certificate of title for the all-terrain vehicle. The owner
33 of an all-terrain vehicle used exclusively as a farm implement
34 may obtain a certificate of title. A person who owns an
35 all-terrain vehicle that is not required to have a certificate

1 of title may apply for and receive a certificate of title for
2 the all-terrain vehicle and, subsequently, the all-terrain
3 vehicle shall be subject to the requirements of this chapter
4 as if the all-terrain vehicle were required to be titled. All
5 all-terrain vehicles that are titled shall be registered under
6 this chapter.

7 Sec. 9. Section 331.362, subsection 9, Code 2014, is amended
8 to read as follows:

9 9. A county may regulate traffic on and use of the secondary
10 roads, in accordance with sections 321.236 to 321.250, 321.254,
11 321.255, 321.285, subsection 4, sections 321.352, 321.471
12 to 321.473, and other applicable provisions of chapter 321,
13 chapter 321E, and sections 321G.9, ~~321H.10~~, and 327G.15.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill provides for expanded highway use of all-terrain
18 vehicles.

19 Currently, the operation of all-terrain vehicles on highways
20 is permitted if the operation is between sunrise and sunset and
21 is incidental to the vehicle's use for agricultural purposes;
22 if the operation is incidental to land surveying; if the
23 operation is by an employee or agent of a political subdivision
24 or public utility for the purpose of construction or
25 maintenance on or adjacent to the highway; or if the operation
26 is for the purpose of mowing, installing approved trail
27 signs, or providing maintenance on a designated snowmobile
28 or all-terrain vehicle trail. The operator is required to
29 have a valid driver's license, and a 35-mile-per-hour speed
30 restriction applies. These provisions for the operation of
31 all-terrain vehicles on a highway for limited purposes are not
32 changed under the bill.

33 The bill provides that an all-terrain vehicle designed to
34 travel on four or more wheels may be operated on secondary
35 roads, but not on primary highways, except to cross over a

1 primary highway, and not on highways within the corporate
2 limits of a city except where all-terrain vehicles are
3 permitted by ordinance. A county may, by ordinance, prohibit
4 the use of all-terrain vehicles on county roads, and a city may
5 authorize the operation of all-terrain vehicles on highways
6 under the city's jurisdiction other than municipal extensions
7 of primary highways. The bill strikes current provisions in
8 Code chapter 321I that allow cities and counties to designate
9 roads under their jurisdiction for the operation of all-terrain
10 vehicles.

11 The bill states that a person who operates an all-terrain
12 vehicle on a highway under the new provisions must be at
13 least 16 years of age and have a valid driver's license other
14 than a license valid only for the operation of a motorized
15 bicycle. The all-terrain vehicle must be registered with the
16 department of natural resources. Iowa motor vehicle laws apply
17 to the operation of all-terrain vehicles on highways except
18 those equipment provisions which by their nature can have no
19 practical application. The bill specifies that the operator
20 of an all-terrain vehicle must carry proof of motor vehicle
21 financial liability coverage, and the all-terrain vehicle must
22 meet requirements for headlamps, rear lamps, and turn signals.
23 Current speed limits apply to all-terrain vehicles operated
24 on a highway, except that an all-terrain vehicle may not be
25 operated at a speed exceeding 35 miles per hour.

26 Pursuant to current law, a violation of restrictions on the
27 operation of all-terrain vehicles on a highway is a simple
28 misdemeanor punishable by a scheduled fine of \$50.

29 The definition of "all-terrain vehicle", for purposes of
30 Code chapter 321, includes off-road utility vehicles. The
31 bill revises the definition of "off-road utility vehicle",
32 for purposes of Code chapter 321, to match the definition
33 under Code chapter 321I, which encompasses larger vehicles.
34 However, the bill specifies that for purposes of Code chapter
35 321, "off-road utility vehicle" does not include vehicles with

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1 rubberized tracks, dune buggies, golf carts, go-carts, or
2 minitrucks.